

To: Reed, Marissa[marissa_reed@fws.gov]
Cc: Weaver, Kerryann[weaver.kerryann@epa.gov]
From: Schaller, Andrea
Sent: Thur 12/3/2015 5:58:46 PM
Subject: RE: Seven Hills letter

DRAFT Deliberative

Marissa,

Still working on details here is the follow by topic in the letter, so you can see how we are framing it.

Intro paragraph

Proposed Impacts and Existing Conditions

Purpose and Need

Single and Complete Project

Significant Degradation

Aquatic Resources of National Importance

Scope of NEPA analysis

Preparation of an Environmental Impact Statement

- Cumulative Impacts
- Unique characteristics of the geographic area
- Public Health or Safety
- Threaten and Endangered Species

Mitigation and Monitoring

Below are a few sections of the letter. Anything you can add would be great we can add additional sections as well. Let me know if you have questions.

Andrea

Proposed Impacts and Existing Conditions

United Minerals Company, LLC (United Minerals) proposes to impact 510.16 acres of wetlands (of which 463.18 acres are forested wetlands), 53,840 linear feet of streams and 72.85 acres of open water, for the construction of the 1,679.6 acre Seven Hills Mine in the Highland-Pigeon Creek watershed southeast of Elberfeld in Warrick County, Indiana. Approximately 648.5 acres of the site have been previously mined and reclaimed in the 1990s and is not proposed to be impacted for coal extraction. Both agencies have commented on the preliminary plan for this mine, and we want to highlight the following comments based on our review of the permit application.

In addition to the habitat value of natural areas, bottomland hardwoods serve a critical role in the watershed by reducing the risk and severity of flooding to downstream communities by providing areas to store floodwater. These wetlands improve water quality by filtering and flushing nutrients, processing organic material, and reducing sediment before it reaches open water.^[1]

Need to add Numbers on local forested wetland loss. Could expand more on habitat and usage by species on site.

United Minerals asserts that the additional range of habitat types that would result from reclamation at the Seven Hills Mine site will be an improvement over existing conditions. This assertion is not supportable given the high acreage of forested wetlands that would be lost and well as the companies demonstrated issues in developing mitigation on the nearby Somerville Mine and XXXX Mine. Discuss WQ Issues and issued/failure due to designing wetlands too high.

Aquatic Resources of National Importance (I am still drafting the ARNI section but this is the start working on the Ohio River section now.)

The agencies consider the Ohio River, Pigeon Creek and the bottomland hardwoods in the Pigeon Creek watershed as ARNIs due to their value and significance. The bottomland hardwood forests within the Pigeon Creek floodplain are an important and productive habitat. These bottomland hardwoods serve a critical role in the watershed by reducing the risk and severity of flooding to downstream communities by providing areas to store floodwater. In addition, these wetlands improve water quality by filtering and flushing nutrients, processing organic wastes, and reducing sediment before it reaches open water. Indiana has lost eighty-five percent of their wetlands, large remaining tracks are rare. The bottomland hardwoods surrounding Pigeon Creek are home to federal both and state endangered and threatened species. Nearby bird surveys in the Buckskins Bottoms have reported over 180 species of birds, 9 of which are state endangered species. Given the proximity and similarity of habitat it is like highly likely that many of those bird species also use this area.

These valuable wetlands help protect both Pigeon Creek and the Ohio River. Pigeon Creek flows approximately 47.5 miles bisecting downtown Evansville before joining with the Ohio River. During the 1800's, Pigeon Creek was part of the Wabash-Erie Canal and a portion of the Pigeon creek onsite is part of the former canal. Today, the creek provides several recreational paths and fishing habitat for the public to enjoy. The City of Evansville has developed the Pigeon Creek Greenway Passage. This path is a multiuse trail follows the creek and then extends along the banks Ohio River it also incorporates boat launches that the City of Evansville touts as "an important urban watershed and wildlife corridor where you might see an egret or blue heron. With its diversity of plants and animals, the Greenway serves as an outdoor classroom and a valuable learning tool for the environment."^[2] In 2004, the path was designated a National Recreation Trail by the National Parks Service.

The Ohio River.....Working on this part now

Here are the NEPA bullets on the general area and TE species

•**Unique characteristics of the geographic area**^[3]: The mine site includes areas which the agencies consider to be ARNIs due to their value and significance: the Pigeon Creek, and the bottomland hardwoods in the Pigeon Creek watershed. The subwatershed (12-digit HUC Clear Branch Pigeon Creek) watershed is a candidate for

protection per Indiana Department of Environmental Management (IDEM) watershed management plans. According to the Indiana Wetlands Conservation Plan, wetlands serve important functions, both in human benefits such as maintaining the quality of drinking water and controlling flooding, and in environmental benefits, such as providing habitat wildlife, including for threatened and endangered resources. The resources proposed for impact onsite are used by an endangered species, a threaten species, and a candidate species. The fact that eighty five percent of the wetland resources once present in Indiana have been lost or altered makes remaining wetlands especially critical resources for conservation.[4] Based on the scale of the proposed project's impacts to important aquatic resources and other ecologically critical areas, the agencies view the preparation of an EIS as appropriate.

●■■■■■■■■■ **Threatened and Endangered Species**[5]: The proposed Seven Hills Mine is within the range of the endangered Indiana bat (*Myotis sodalis*) and the threatened Northern long-eared bat (*Myotis septentrionalis*). There are maternity roosts for both bat species that utilize the proposed mine site and this proposed mine would impact 690 acres of summer habitat for them. Additionally, the Copperbelly watersnake (*Nerodia erythrogaster neglecta*), was previously proposed for inclusion on the federal threatened species list. The southern population of the Copperbelly watersnake was excluded from listing as threatened due to the development of the Copperbelly Watersnake Conservation Agreement and Strategy which has since expired. Until this point, actions to list of the southern population have not taken place as other development and mining operations have continued to follow the agreement's principles. Potential impacts to threatened or endangered species are considered grounds for the preparation of an EIS.

From: Reed, Marissa [mailto:marissa_reed@fws.gov]
Sent: Thursday, December 03, 2015 10:24 AM
To: Schaller, Andrea <schaller.andrea@epa.gov>
Subject: Seven Hills letter

Hi Andrea,

I just tried calling, but kept getting a weird beeping tone and my phone display read "waiting for a line". Anyway, I got your message about sending you some draft language. I will do my best to get you something by Monday - I am mainly just adding some specific details to what was in our previous letter. Feel free to give me a call if you want to discuss further, or I may try you

again in a little bit.

Thanks,

Marissa

Marissa Reed

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[1] <http://water.epa.gov/type/wetlands/bottomland.cfm>

[2] <http://www.evansvillegov.org/modules/showdocument.aspx?documentid=12739>

[3] 40 CFR 1508.27(b)(3)

[4] Status and Trends Report on State Wetland Programs in the United States.

[5] 40 CFR§ 1508.27(b)(9)